

1  
2  
3  
4  
5  
6  
7  
8  
9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

12 CALVIN ROUSE,

13 Plaintiff,

14 v.

15 DOUG WADDINGTON *et al.*,

16 Defendants.

Case No. C06-5183RJB/JKA

17 ORDER GRANTING  
18 DEFENDANT'S MOTION FOR A  
19 CONTINUANCE OF  
20 THE JOINT STATUS REPORT,  
21 DENYING PLAINTIFF'S  
MOTION FOR SANCTIONS,  
RE-NOTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT, AND SETTING  
A BRIEFING SCHEDULE

22 This Civil Rights action, filed pursuant to 42 U.S.C. §1983, has been referred to the undersigned  
23 Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B).

24 On March 25, 2008, the court entered an order addressing a discovery dispute in this action (Dkt #  
25 76). Defendant's pending motion for summary judgment, (Dkt # 70), was removed from the court's  
26 calendar until the dispute was over. The court stated it would re-note the motion after the dispute was  
27 settled. Since that time three motions have been filed. Defendant's filed a motion to continue the due date  
28 for filing a joint status report (Dkt # 81). In that motion defendants state the discovery in question was

1 sent to plaintiff on June 2, 2008. Plaintiff filed a motion for sanctions for not meeting with him to prepare  
2 a joint status report, (Dkt # 83). In that motion plaintiff objects to the requested continuance. Plaintiff then  
3 filed a motion asking for a continuance to respond to the pending motion for summary judgment (Dkt #  
4 85).

5 Defendant's motion for a continuance of the Joint Status Report due date, (Dkt # 81), is  
6 **GRANTED**. The Report will be due **November 21, 2008**.

7 Plaintiff's motion for sanctions, (Dkt. # 83), is **DENIED**. As defendant's counsel notes the content  
8 of the report may change given a ruling on the pending dispositive motion.

9 Plaintiff's motion for a continuance to respond to the motion for summary judgment, (Dkt # 85), is  
10 premature. The court has not re-noted the summary judgment motion. The motion is therefore **DENIED**.

11 The court now re-notes defendant's motion for summary judgment, (Dkt. # 70), for **August 22,**  
12 **2008**. Plaintiff's response is due on or before **August 15, 2008**. Defendant's optional reply is due on or  
13 before **August 22, 2008**. Plaintiff is warned he must allow three days for delivery of his pleading to  
14 defense counsel. This means he must deliver his response to prison officials for mailing by August 12,  
15 2008.

16 The clerk is directed to send a copy of this order to plaintiff and counsel for defendants, remove  
17 Dkt. # 81, 83, and 85 from the court's calendar, and note the **November 21, 2008**, due date for the Joint  
18 Status Report, the **August 15, 2008**, for plaintiff's response to defendant's motion for summary judgment,,  
19 and the **August 22, 2008**, noting date for defendant's motion for summary judgment, (Dkt # 70).

20  
21  
22 DATED this 22 day of July 2008.

23  
24  
25 /S/ J. Kelley Arnold  
26 J. Kelley Arnold  
27 United States Magistrate Judge  
28